
Democracy as a Source of Human Rights

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Abstract:

The history of human society has paid its own price along the path to democracy. Different government systems are established during this journey, in which thinkers and philosophers of all times have made a significant contribution to the formulation and enrichment of different philosophical treaties in an effort to improve the life of human society, from which always derives the power and dominion of its elected individuals. Human Rights became a powerful incentive not only to human society, but also to democracy itself, as the best system to date, flexible and able for changes and continuous improvements.

Key words: democracy, origins of democracy, development of democracy, human rights.

Introduction

Democracy is the coexistence between philosophy and concepts governing human society to live free and the vigorous efforts to defend the freedom at all costs. Such a concept reminds us of the sun, which illuminates and gives life to all the authorities that are independent of each other; executive, legislative, judicial, etc. Primarily, a political system is called democratic when the majority or a large number of people enjoy

independence and the right to vote. From this perspective we can say that, exactly the level of human rights and independence constitutes the essence of democracy of a developed society. A democratic state is based on the principle that government exists to serve the people; people do not exist to serve the government. In a democratic country where citizens vote, they implement their right and responsibility to decide who would lead them. Citizens of a democratic country have the right, at its discretion, to participate freely in the political life of the society in which they belong. But at the same time, citizens should take into account the obligations arising from this participation. Hence, they have to adapt to the way we handle problems, to show tolerance towards members of society who have opposing ideas and when it comes to common interests to compromise between them.

Citizenship in the above cases implies a broader definition of rights and responsibilities, as two opposite sides of the same coin. The implementation of the rights by an individual means also the responsibility that he has to protect and enhance those rights, for himself and for the others. Often, even the citizens of the countries with popular traditions in the field of democracy misunderstand this issue, taking advantage of the rights and neglecting to perform their duties and responsibility maintenance. Democracy is understood as the majority ruling, while rights are understood more and more as the personal property of individuals, and in this way, as the objection to the "dictatorship of the majority".

Dialectical unity of rights and responsibilities in a democratic society is expressed in the fact that, on the one hand, individuals have the right to freedom of speech, assembly, and freedom of religion, which attest to the level of a democratic society. On the other hand, the rights are not the personal property of the individuals, tools or "expression of the freedom" to counter the majority. Democracy requires cooperation, compromise and tolerance among all citizens. Ultimately, higher understanding of freedom is closely linked

with taking the responsibility for the destiny of the individual and the community where he lives, and not freedom from responsibility towards them. Democracy can not convert all of its citizens into exemplary citizens, like with the touch of a magic wand, but requires that all citizens should be responsible for their rights and responsibilities.

Democracy as a historical tendency of the society

Although efforts to a perfect democratic system date from more than two thousand years ago, somewhere in the form of aspirations, but somewhere also with modest achievements in daily life, in the face of common people, philosophers and thinkers, remains essential the desire to identify and learn: What is democracy?

The word "democracy" comes from the Greek and consists of the word *demos* populace and *kratos* power. Yet throughout all the human history rulers have played with the given meaning by covering with a delightful habiliment their totalitarian regimes and dictatorships, to deceive and gain the support of the people, at a time when they themselves controlled with the devices of violence each cell of the people's daily life, violating in the most flagrant way the principles on which democracy is based. The community of citizens is the source of power and justifies the decisions, in order for these verdicts given by governors to be functional.

According to the ancient Greek philosopher, Aristotle, it was *Polis*, the one that played a significant role in the development of democracy because he was conceived as a community of citizens politically organized. This abstraction was a creative utopia, based on the idea of equality of all citizens, whatever the differences and inequalities that divide them. For the ancient Greeks, in essence, the Polis was different from the barbarians' empires, because citizens did not obey to a man, however powerful he was, but laws. But democracy is essentially all the historical spiral of the

philosophical thought in time and space, which carries in itself also the views of the ancient philosopher, Perikliu, linking its meaning with the tolerance, but not with the majority ruling. Also something from Plato's concepts of democracy, who feared the governance control by populist demagogues. Something from the views of Aristotle that feared governance of the people, because it meant governance of the poor, of who could be expected even the expropriation of the rich. Includes also Hobbes's and Locke's concepts, that intended the political equality of citizens, even the definition of Lincoln as an "A government of the people, by the people and for the people" which treats democracy as a real possibility.

Democracy is fueled by the love for knowledge and debate on all social problems of human society. For the democracy, obscurantist and dictatorial attitudes toward the voice of the people and the classes of the working masses are foreign and mortal. John Locke, in the book entitled "Two treatises on governance" implies the need of enforcement and the protection of the law of nature, which is derived from the logic of God, according to which, this law provides the people with most basic rights as "the right to live, the right to property and the right to education". But without being able to avoid its dualistic nature, where, on the one hand, it embodies a priceless philosophy for mankind, according to which there would be resolved quite some wounds of human society, when on the other hand, it remains a vulnerable and uncertain application area. Now it can already be visualized a flexible concept of democracy as a philosophy and mentality among a "heavenly" dream of mankind for a fair and humane society, but that, if it is not fought every day for its construction, it can remain hypothetical and just "a beautiful dream on paper."

When it comes to the roots of democracy, almost all the great philosophers and thinkers refer to a natural right, like breathing, and the right to live in freedom. Its study from these philosophers cannot exclude the origin of human society in the primitive times, or as J.J. Rousseau notes, in state of the free

nature of the individual regarding which he would emphasize: *"The renunciation of personal freedom means giving up the personal quality as human, the human nature rights and even his obligations."* But the system of democracy, extremely dreamt by the people and the philosophers of the world, is so fragile, built on theoretical formulations and conceptions that leave space and trails' deviations, but also "tailor made" hundreds of thousands of laws for enforcement, like a grain egg that cannot be placed in any way on foot without the help of numerous abutments and supports. However, democracy thrives when for it take care citizens, who with the freedom gained through sacrifices are willing to take part in the social life by expressing their opinions in debates; choosing representatives who have shown themselves worthy with their actions; and accepting the need for tolerance and compromise in the public life.

The heart of democracy: Human Rights and Freedom

Human rights are linked to the existence of human nature and as such, they do not come from the state, but by the human being itself; they are not donated or provided by the state, but the state is obligated to guarantee them. Human rights are principles on which individuals can act, to make laws and at the same time try to judge and take decisions for the benefit of society. At the same time human rights are also values that express and reflect the human desires and aspirations. They represent the highest goals and ideals, which, although incompletely achievable, give meaning to the human life.

Throughout all their history, human rights are defined and have commiserated the value of everybody's dignity, freedom, equality and justice. These values are universal and go beyond the realms of personal and national borders. Although cultures and societies are different, this variability has never touched the inalienable fundamentals of human rights. From this point of view, each individual, regardless of

their familiar, social or cultural origin, must be accepted as representative of all mankind. As a universal value, equality means the rights and freedoms of every individual: The others are different from me, but at the same time we are equal, I respect their freedom to the extent that I have my freedom. Namely, equality between human beings remains the main obstacle to discrimination because of racial origin, nationality, sex, religion and language. When equality is in harmony with freedom, in reality justice can also be achieved.

In "The Sea of democracy" ideas of different philosophers, except common core strengths, maintain also special nuances. So in the ideas of Rousseau we observe critical attitudes toward those of Hobbes. Related to Hobbes' point of view that man is a wolf to man, various philosophers have reacted by offering protective systems which include a number of rules that limit or mitigate his aggressive nature or propose measures with human values that promote cooperation and human solidarity. The concept of Hobbes summarized in the term "natural human condition" draws our attention in a time that at Rousseau's we face it as "natural right". Yes, what is the natural condition according to Hobbes? According to him, "natural condition is the freedom of every person to use his freedom, as he wishes, to preserve his own nature and to do everything that according to his judgment and reasoning is conceived as the most appropriate for this." As a man protects and respects his freedom, in the same way he should respect and protect the freedom of the other. Human rights are inalienable; he cannot renounce his rights under any circumstances that he will be positioned. Along with duties and responsibilities, human rights constitute a dialectical unity as the two sides of a coin.

Human life is nothing but an attempt in search of peace and preservation of it with all the possible forms starting from the principle: peace is a common human good. But according to Rousseau's perspective, the natural human right gives him the necessary vital privileges and the opportunity that the free life

creates for the election of the sovereign. Rousseau presents us with the first agreements that arise in the cell of society, in the family, which is the earliest of all societies described as a natural society. The first law of the family is caring about each of its members until he becomes the master of himself. By becoming the master of his own self, the individual becomes self-aware of his actions, of the difference between good and bad and of the difference between the responsibilities and the rights that he has.

A close connection with human rights and the laws of nature represents as well the law of justice that has to do with the wording of the contract for human rights which should be applicable and comprehensive. Natural laws always operate on human consciousness and aspirations. In this sense, we cannot match the natural laws with our desires, other than our desires are dependent and limited by natural laws, because the latter have an objective character, existing despite of our existence, being permanent and unchangeable. In this sense, the phenomena of the human origin, which constitute on the properties and the virtues of the individual, such as arrogance, ingratitude, injustice, pride, favoring privileged individuals can be neither legitimate nor permanent. In the philosophical concepts of Rousseau, human rights consist on the core of a society's democracy.

But besides the ideas of Rousseau began to appear even many ideas other philosophers of the time, which were broadly presented not only in the philosophical books but also in many of the national and international organisms. These ideas strongly influenced the formulation of the Universal Declaration of Human Rights, which was approved at the UN General Assembly on 10 December 1948, as well as the constitutions' construction of the most developed countries of Europe and the USA. Human rights and freedoms would already gain the status of accepted values from the entire human universe.

Only democracy is a system that provides and coordinates the duties and rights of the individual with those of the society. Rights constitute the most basic elements of democratic governance. Facing the demands for greater rights in the daily life and for a more active and decision-making participation in the bodies of legislative, executive, and judiciary, human society of any country calls for their continuous improvement. Formulation and the philosophical support on Human Rights and Freedom, launched by Hobbes, Rousseau, etc., would radiate even in Kant's ideas on "permanent peace". Moreover, in the Kantian concept, human rights have a mutual dependency and self-report with the "Permanent peace". They constitute the separating line between the democratic system and dictatorship.

Human rights constitute the essence of society's democracy and play a progressive role even in the protection of religious beliefs. They also provide a clear restriction of the religious beliefs, which are truly contemptible, but should not affect the beliefs and freedom of the other people. In modern philosophers' treatments highlights the idea that the human rights and freedoms, except the natural character, have a historical character, which means that they are also a consequence of the war of human society in all fields; military, political, scientific, cultural, religious, etc. Not only victories of revolutions will "shift" the boundaries and the concepts of human rights and freedom, but also innovations and discoveries in various fields of science would influence the space expansion of their content. Therefore, we can say that their concept of Human Rights and Freedoms is presented with relative, temporary limits that move toward expanding and changing depending on his vital conditions and needs.

In nowadays modern times the concept of human rights and freedoms is including more vital spaces like let us say, the field of environmental pollution, minorities' freedom, discriminated classes of population freedom etc. From historical reviews of the development of human rights and freedoms, we

notice that the achievement of a progressive goal marks a development target or threshold, the violation of which would lead society to regress. This means that they already have turned into a protective barrier to the development of democracy as a concept, but also as a real wealth of human society. Today, the individual has enough privileges compared with one that was born half a century ago. Specific social groups, enjoy special status like children, minors, disabled, blind, a considerable number of various professions, like miners, sailors, etc., especially, half the population of humanity, or the cradle that gives birth to the human society, women who today enjoy greater rights sanctioned in national and international laws and conventions.

Conclusions

Today the term democracy is used not only to characterize political relations in a given society, but also to judge and determine the form of governance, political system characteristics, etc. Hence, the notion of democracy is built upon the principle that people as a whole form the basis, the foundation upon which rises the entire political life of the society. They are the only source of power, while their interests and welfare constitute the ultimate goal of governance. In democracy, the political power becomes legitimate only when it comes from the people. Power can be the result of the free will of the people as a whole, where each individual is free to make the political choices that concern him. Therefore, freedom is the necessary condition of the democracy's concept. From this perspective, democracy can be defined as a system of ideas, practices and acting procedures that lead to the institutionalization of freedom.

Democracy includes the domination of the majority and the respect toward the minorities for the fact that they are part of the population and therefore should not be treated unequally. From this perspective, democracy is seen as the form of political

organization that ensures the dominance of the majority and the respect toward the minority, creating as well spaces for the free competition of the political alternatives. Moreover, democracy is that form of political organization, which allows political competition for different alternatives of economic development, which provides free initiative and private property. Day after day increasingly, phenomena that occur to us in life convince us that the ideal of lasting peace can be achieved only through a continuous democratization of the democratic system in the country, inseparable also from the international democratization, and both of them together, to protect the attained level of Human Rights and Freedoms.

A democratic society is not nothing but an establishment of new relationships between government and the individual's freedom. Human rights and freedoms took the form of a "spiral" that recognizes only climbing; from the time when various theorists began to unfold their ideas about "human rights", similar with an endless sky, they were enriched with Jan Jacques Rousseau's studies on the necessity of human rights, up to the United Nations Charter that embodies the rights and freedoms of the individual, thus the whole human society's as well.

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